

Application No.: 09/554,733

Docket No.: 22135-00005-US

REMARKS*Introduction*

Receipt of the Office Action mailed October 1, 2003 is acknowledged. The present amendment proposes amending claim 1 in formal regards to clarify that the claimed sponge cloth of claims 1-5 is one having the properties according to the recited process. Namely, the language "capable of" is proposed to be deleted. No new matter would be added by the present amendment. Moreover, the proposed amendment is believed to place this application in condition for allowance given that the only claims still rejected are claims 1-5, claims 6-21 having already been allowed. Entry of the amendment and favorable reconsideration are earnestly solicited.

The Office Action

On pages 2-4 of the Action, claims 1-5 are rejected as allegedly being anticipated by WO 97/42259 to Chevalier et al. This rejection is respectfully traversed.

First of all, the present amendment clarifies that the sponge cloth of claim 1 is dictated by the process recited, namely an amine oxide process. In this regard, Chevalier uses aqueous sodium hydroxide, not an amine oxide. Thus, Chevalier et al. cannot anticipate claims 1-5 under the law of anticipation governed by the Federal Circuit. Indeed, the sponge cloth of Chevalier et al. has properties that are different from those obtained when an amine oxide process is employed as recited in claim 1. The sponge cloth of Chevalier is stated as having a density of from 20-100 kg/cu meter, while the sponge cloth of the present invention made using an amine oxide process is exemplified in Example 1 has a density of 109.6 kg/cu meter (dry weight of 263 g/sq m and a thickness of 2.4mm) and as exemplified in Example 2 has a density of 135.7 kg/cu meter (dry weight of 380 g/sq m and a thickness of 2.8 mm). Thus Chevalier does not anticipate claims 1-5.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Applicant hereby authorizes the Commissioner to please charge our Deposit Account No. 22-0185, under Order No. 22135-00005-US from which the undersigned is authorized to draw in the amount of \$110.00 for a one month extension of time and any other fees deemed necessary.

Dated: January 20, 2004

Respectfully submitted,

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